

**CLARK COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES**

**STAFF ANALYSIS
& RECOMMENDATION**

HEARING DATE:

October 8, 2009

DEVELOPMENT NAME:

Varney Subdivision

CASE NUMBERS:

PLD2009-00030, SEP2009-00054

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402 PLD



Project Name: VARNEY SUBDIVISION

Case Number: PLD2009-00030, SEP2009-00054

Location: 19704 NE 144th Street

Request: The applicant is proposing to subdivide approximately 39.40 acres into 7 lots in the R-5 zoning district.

Applicant: Schlichting, LLC
14803 NE 202nd Avenue
Brush Prairie, WA 98606
(360) 256-3303, E-mail: las51@netscape.com

Contact Person: Travis Johnson
P. O. Box 821556
Vancouver, WA 98682
(360) 600-8726, E-mail: travis@plsengineering.com

Property Owner: (Same as Applicant)

RECOMMENDATION

Approved, subject to Conditions

Team Leader's Initials: ATG **Date Issued:** September 23, 2009

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u> (360) 397-2375	<u>E-mail Address</u>
Team Leader:	Travis Goddard	4130	Travis.goddard@clark.wa.gov
Planner:	Michael Uduk	4385	Michael.uduk@clark.wa.gov
Habitat Biologist:	Dave Howe	4598	Dave.howe@clark.wa.gov
Engineer Supervisor: (Trans. & Stormwater):	Sue Stepan, P.E.	4064	Sue.stepan@clark.wa.gov
Engineer (Trans. & Stormwater):	Doug Boheman, P.E., P.L.S.	4219	Doug.boheman@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency):	Steve Schulte, P.E.	4017	Steve.schulte@clark.wa.gov
Engineer (Trans. Concurrency):	David Jardin	4354	David.jardin@clark.wa.gov
Fire Marshal Office	Tom Scott	3323	Tom.scott@clark.wa.gov

Comp Plan Designation: Rural 5 (R-5)**Parcel Number(s):** Tax Lot 23 (205166), located in the SW ¼, of Section 20, Township 3 North, Range 3 East, of the Willamette Meridian.**Applicable Laws:**

Clark County Code (CCC) Chapter: 40.350 (Transportation), 40.350.020 (Transportation Concurrency), 40.380 (Storm Water Drainage and Erosion Control), 15.12 (Fire Code), 40.540.040 (Land Division, Subdivisions), 40.440 (Habitat Protection), 40.610 (Impact Fees), 40.210.020 (Rural Districts, R-5), 40.200.040 (C) (Lot Area Calculations), 40.570.080 (SEPA), 40.570.080 (C) (3) (k) (Historic & Cultural Preservation), 40.500 (Procedure), RCW 58.17 (State Platting Laws)

Neighborhood Association/Contact:

Concerned Citizens of Hockinson Neighborhood Association
 Jack Bremer, President
 PO Box 866
 Brush Prairie, WA 98606-0866
 892-7846 (Darleen Warner)

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for

preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on May 7, 2009. The pre-application was determined to be contingently vested as of April 10, 2009.

The fully complete application was submitted on June 16, 2009; and, determined to be fully complete on July 7, 2009. Given these facts the application is vested on April 10, 2009. There are no disputes regarding vesting in this matter.

Time Limits:

The application was determined to be fully complete on July 7, 2009, (see Exhibit No. 8). Therefore, the County Code requirement for issuing a decision within 92 days lapses on October 7, 2009. The State requirement for issuing a decision within 120 calendar days, lapses on November 4, 2009.

Public Notice:

Notice of application and public hearing was mailed to the applicant, the Concerned Citizens of Hockinson Neighborhood Association and property owners within 300 feet of the site on July 31, 2009. One sign was posted on the subject property and two within the vicinity on September 23, 2009.

Public Comments:

The county received comments from Haly Lewis (Exhibit 18). Issues raised by Mr. Lewis relate to traffic on NE 202nd Avenue and environmental concerns. Traffic issues are reviewed by Development Engineering staff in the transportation section of this report and during the site's development, the applicant will be required to properly dispose of grading and other spoils consistent with the permit from the county's Fire Marshal's office.

Project Overview

The applicant proposes to subdivide approximately 39.40 acres into 7 residential lots in the R-5 zoning district. The R-5 district requires a minimum lot area of 5 acres for single-family residential development. The district also permits several other uses outright, conditionally and by review and approval (R/A). (See Table 40.220.020-1, Uses, and Table 40.220.020-2, Lot Requirements for details)

Table 1 below shows the comprehensive plan designation, zoning, and current land use on the site and on the abutting properties:

Table 1: Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	Rural – 5 (R-5)	Rural – 5 (R-5)	A large vacant property with second growth trees and various wetland indicator plants in the northwest and southwest sections of the site.
North	R-5	R-5	Three narrow home sites.
East	R-5	R-5	NE 202 nd Avenue and acreage home sites
South	R-5	R-5	NE 144 th Street and various size home sites.
West	R-5	R-5	Large acreage home sites.

The USDA Soil Conservation Service, Soil Survey of Clark County, Washington, 1972, classifies the soils at this site as those of Hesson clay loam, (HcB, HcD), and Hesson gravelly clay loam on slopes ranging from zero to 20 percent. Maps from Clark County's GIS Mapping System indicate that the site contains riparian habitat conservation area.

The property is located rural Clark County. It is situated in an area served by Fire Protection District 3, and Hockinson School District. Clark Public Utilities provides potable water in the area; and on-site septic systems will serve each lot.

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts could be mitigated through application of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposal not discussed below comply with the applicable code requirements.

LAND USE:**Finding 1**

The development site is approximately 39.40 acres situated on northwestern corner of NE 144th Street and NE 202nd Avenue. A tributary of Mud Creek runs along its northwestern section, and an unnamed tributary runs along its southwestern section. The applicant is proposing a 7-lot rural subdivision. The preliminary plat shows that six lots, Lots 1, 2, 3, 5, 6, and 7, will each be approximately 5 acres in area, while Lot 4 will be approximately 9.55 acres in area. The site is zoned R-5.

Finding 2

A. Table 40.210.020-2 (Lot Requirements) provides the lot requirements in the R-5 zoning district as follows:

- The minimum lot area is 5 acres; or, the lot could legally be described as one one hundred and twenty-eight (1/128) of a section; and,
- The minimum lot width shall be 140 feet; except when the Clark County Fire code requires a greater lot width. The code does not provide a standard for the minimum lot depth.

B. Table 40.210.020-3 (Setbacks, Lot Coverage and Building Height) provides the following standards in the R-5 district:

1. Minimum front yard setback	50 feet
2. Minimum side yard setback (street)	25 feet
3. Minimum interior side yard setback	20, 50 feet ¹
4. Rear yard setback	20, 50 feet ²
5. Setback between buildings	8 feet
6. Lot coverage	N/A
7. Maximum building height	35 feet ³

Staff finds that the proposed short plat could comply with the lot requirements, setbacks, lot coverage, and building height standards in the code. (See Conditions D-1a and b)

¹ The minimum side setback on each side of the residential dwelling and incidental buildings shall be 20 feet and 50 feet for accessory buildings used for agricultural purposes. Side setbacks for abutting properties zoned for natural resource or surface mining uses shall be a minimum of 50 feet.

² The minimum rear yard setback shall be 50 feet when abutting property zoned for natural resources or surface mining uses.

³ This standard applies to residential buildings only.

Finding 3

Staff finds that Lot 7 is proposed as a 4.50 acre parcel is within 10 percent of the minimum lot area standard in the R-5 zoning district. CCC 40.200.040 (C) (2) (Lot Area Calculations) allows one (1) lot in a land division to be within 10 percent of the required minimum lot size the R-5 zone. Lot 4 is proposed as a 9.55 acre parcel; and, cannot be further divided (or platted) utilizing the 10 percent minimum lot area variance authorized in CCC 40.200.040 (C) (2) (Lot Area Calculations). A note will be placed on the face of the final plat stating this. (See Condition D-7a)

Conclusion (Land Use):

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the land use requirements of the Clark County Code.

ARCHAEOLOGY:

(See Standard Condition A-1a and D-7b)

HABITAT:

Finding 1

Mud Creek, a Department of Natural Resources (DNR) mapped type F (fish-bearing) stream flows through the northwestern corner of the property. According to Title 40.440.010(C)(1)(a), a DNR type F watercourse requires a 200-foot riparian Habitat Conservation Zone (HCZ) in order to protect fish and wildlife habitat. The riparian HCZ extends 200' horizontally outward from the ordinary high water mark. Additionally, a DNR type Ns (non-fish bearing, seasonal) stream also flows in the northwestern corner of the property. A DNR type Ns stream requires a 75' riparian HCZ. Finally, a DNR type Np (non-fish bearing, perennial) stream flows through the southwestern corner of the property. A DNR type Np stream requires a 100' riparian HCZ.

Finding 2

That applicant has delineated a development disturbance line that is outside of the riparian HCZ's on the site. Staff finds this meets the exemption criterion identified in Table 40.440.010-1, row 2 of the Habitat Conservation Ordinance, subject to the following condition of approval.

Conclusion (Habitat):

Staff finds that the proposed preliminary plan, subject to Condition D-2, meets the habitat requirements of the Clark County Code.

GEOLOGIC HAZARD AREAS:

Finding 1

The applicant provided a Limited Slope Stability Reconnaissance report prepared by Chinook GeoServices, Inc., dated August 17, 2009, stamped and signed by Marcella M. Boyer, a professional engineer licensed in the state of Washington and also stamped and signed by Warren Krager, a geologist licensed in the state of Washington. This report states that it is the Chinook GeoServices professional opinion that the subject site does not exhibit significant evidence of past or ongoing landslides and presents a relatively low slope stability hazard to future development. It is also their opinion that the setbacks required for the stream buffer zones shown on the preliminary plat also

provide an adequate slope setback for development, i.e. grading or structures. (See Plat Note D-7g)

TRANSPORTATION:

Access Management

Finding #1

The preliminary plat shows that no roads, public or private will be created by this land division. All lots will be served either by driveways or a joint driveway. Both NE 202nd Avenue and NE 144th Street are designated as Rural Local Access roads. There are no driveway spacing requirements along local access roads except for the corner lots. In accordance with CCC 40.350.030(B)(4)(b)(1)(b), corner lot driveways shall be a minimum of fifty (50) feet from the intersecting property lines, as measured to the nearest edge of the driveway the driveways shown on the preliminary plat meet the spacing requirements.

Frontage Roads

Finding #2

Both NE 144th Street and NE 202nd Avenue are designated as Rural Local Access roads. Provided that 20 feet of paved width exist and the site is not inside Rural Center zoning designation as defined by CCC 40.210.030, frontage improvements are not required in the rural areas. However, half-width right-of-way of 25 feet is required. The preliminary plat shows that 60 feet of full-width exist along the frontages of NE 144th Street and NE 202nd Avenue, providing a 30-foot half-width right-of-way for both roads.

Intersection Design

Finding #3

In accordance with CCC 40.350.030(B)(7)(c), driveways in rural areas connecting with paved public roads are required to be paved from the edge of the public road to the right-of-way or twenty feet from the edge, whichever is greater. (See Condition A-2a)

Sight Distance

Finding #4

All driveways, except for the joint driveway to serve the proposed Lot 3 and 4 meet the required sight distance. Due to a row of Arborvitae planted on the neighboring lot, the required sight distance is not available in accordance with CCC 40.350.030(B)(8). The applicant proposes to move the joint access for the proposed Lots 3 and 4 to the south by approximately 10 feet and obtain approval of a Design Road Modification in accordance with CCC 40.550.010 to reduce the distance between the location of the driver's eye and the edge of the travel lane from required 15 feet to 12 feet. (See Transportation Finding #7)

Joint Use Driveways

Finding #5

The preliminary plat shows that the proposed Lots 3 and 4 will share a joint use driveway and Lots 5 through 7 will also share a joint use drive way. In accordance with CCC 40.350.030(b)(12), a maximum of three (3) legal lots may use a joint driveway to access a public or private road. The joint driveways shall be constructed with a minimum of 12-foot wide all weather surface within 20-foot easement. The preliminary

plat shows these driveways in compliance with the provisions of the Transportation Standards.

Cul-de-sacs and Turnarounds

Finding #6

In accordance with CCC 40.350.030(B)(12)(a)(3), approved turnarounds may include cul-de-sacs, which may include the width of the roadway, intersecting public or private roads, hammerheads, or driveways meeting the dimensional requirements of a hammerhead. The applicant shall provide turnarounds and turnouts as required by the Transportation Standards. (See Condition A-2b)

Road Modifications

Finding #7

The applicant has requested a Road Modification to sight distance standard, CCC 40.350.030(B)(B)(8). The request is for reduction in the distance from the edge of the travel lane to where the vehicle sits in the driveway. The applicant believes that a road modification should be allowed to reduce the "driver's eye" location from 15 feet to 12 feet requirement since it is a minor change to the standards meeting the road modification criterion described in CCC 40.550.010(A)(1)(b).

Staff recommends approval of the requested road modification because it meets the specific criteria as stated above subject to a condition. (See Exhibit 19, and Condition A-2c)

Conclusion (Transportation):

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan, subject to conditions, meets the requirements of the county transportation ordinance.

TRANSPORTATION CONCURRENCY:

Public Works Transportation Concurrence staff has reviewed the application and concluded that there are no transportation concurrency issues with this application.

STORMWATER:

Applicability

Finding 1

The Stormwater and Erosion Control Ordinance CCC 40.380 applies to development activities that results in 5,000 square feet or more of new impervious area within the rural area and all land disturbing activities, except those exempted in Section CCC 40.380.030(A).

According to the applicant, the project will create approximately 2,000 square feet of impervious surface during the development of the subdivision. The future homes will create approximately 14,000 square feet of impervious surface and the individual driveways will add another 14, 000 square feet of impervious surfaces. Exactly how much area on each lot will be impacted is currently not known. These areas will be partially replaced with impervious surface such as gravel, pavement, concrete, and roofs. The project creates more than 5,000 square feet of impervious surfaces and is a

land disturbing activity not exempted in Section CCC 40.380.030(A). Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance, CCC 40.380.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Stormwater Proposal:

Finding 2

The runoff from the project's impervious surfaces will be dispersed through the existing pervious surfaces and proposed landscaping for water quality and water quantity. As shown on the preliminary plat, a substantial portion of the site will be protected from development through designated buffers. This development is currently vested under the previous stormwater code, CCC 40.380. The superseded code allowed full dispersion as a form of water quality and quantity mitigation as an Experimental Best Management Practice described in Section CCC 40.380.040(9). (See Condition A-3a)

The stormwater control facilities as proposed will be a privately owned and maintained by each of the homeowners of this subdivision. (See Condition E-2)

Site Conditions and Stormwater Issues

Finding 3

The property is approximately 39.40 acres in area with slopes of 0-5% over 34% of the parcel, 5-10% over 50% of the parcel, 10-15% over 9% of the parcel, 15-25% over 6% of the parcel, and 25-40% over 1% of the parcel. The existing site contains dense 10-15 year old Douglas fir trees. The site is located on a localized high point, approximately the north half of the site slopes to the northwest toward Mud Creek while approximately the south half of the site slopes toward the southwest to an unnamed tributary to Mud Creek.

The National Resources conservation service mapping shows the site to be underlain by Hesson soils (HcB, HgD, and HcD), classified by AASHTO as A-7 soils. This soil is designated as hydrologic group "C". CCC 40.380 does not list A-7 soils as suitable for infiltration; therefore, disposal of stormwater runoff by infiltration is not proposed and quantity and quantity control is to be achieved by dispersion.

Conclusion (Stormwater):

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan is feasible subject to conditions. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding 1 – Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition B-1a)

Finding 3 – Fire Flow

Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Information from the water purveyor indicates that the fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (See Conditions B-1b)

Finding 4 – Fire Hydrants

Fire hydrants are required for this application. The indicated fire hydrant is adequate.

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District 3 at 360-892-2331 to arrange for location approval. (See Condition B-1c)

Finding 5 - Fire Apparatus Access

The roadways and maneuvering areas as indicated in the application meet the requirements of the Clark County Road Standard.

Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (See Conditions B-1d)

Finding 6 - Fire Apparatus Turnarounds

Fire apparatus turnarounds are required and meet the requirements of the Road Standard.

New private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus. Turnouts shall be provide at intervals five hundred (500) feet or less, such that no portion of the driveway is in excess of three hundred (300) feet from an approved turnaround or turnout. (See Condition B-1e)

Conclusion (Fire Protection):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

WATER & SEWER SERVICE:

Finding 1

Clark Public Utilities (CPU) provides potable water in the area. A utility review for potable water from CPU indicates that a 6-inch water main already exists on the site to provide potable water. If there is a need, the pipe would be upgraded to an 8-inch water main to provide adequate potable water and fire flow. The applicant will need to

implement the necessary improvements to connect each lot to public water provided by CPU. Each lot will have its own on-site septic systems. (See Conditions A-5a)

Finding 2

The use of septic systems is proposed to serve the site. A "Health Department Evaluation Letter" has been submitted that confirms the Health Department conducted an evaluation of the site and determined that no existing wells or septic systems are located on the site, and no structures on the site have been/are hooked up to water and/or sewer. The letter also confirms that septic systems permit release (for each lot) is pending approval of the design. Confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department. (See Condition A-5b)

Conclusion (Water & Sewer Service):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

IMPACT FEES:

There is no defined parks improvement district in the area; but, Hockinson School District Impact Fee (SIF) and Rural District 1 Traffic Impact Fee (TIF) will be assessed on all 7 proposed lots prior to building permit issuance.

The following note shall be placed on the final plat stating that:

"In accordance with CCC 40.610, park, school and traffic impact fees shall be assessed on all 7 lots as follows:

1. \$7,090.02 SIF per new single-family dwelling in the Hockinson School District; and,
2. \$2,749.47 per new single-family dwelling in Rural 1 Traffic Impact Fees District (made up of \$1,403.23 local fees and \$1,347.24 regional fees).

"The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedules." (See Conditions D-5d, E-1)

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval therefore, requiring the preparation of an Environmental Impact Statement (EIS);

- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval); or,
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Determination:

Determination of Non-Significance (DNS): As lead agency, the county has determined that the requirements for environmental analysis, protection, and mitigation measures are adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws rules, as provided by RCW 43.21.240 and WAC 197-11-158. Our agency will not require any additional mitigation measures under SEPA. The proposal may include mitigation under applicable codes and the project review. This decision was made after review of a completed environmental checklist and other information on file with the County.

Date of Publication & Comment Period:

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on August 6, 2009, is hereby final.

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Community Development Department within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$1,493**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the

Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;

3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Michael Uduk, (360) 397-2375, ext. 4385
Travis Goddard, (360) 397-2375, ext. 4180

Responsible Official: Michael V. Butts

**Public Service Center
Community Development Department
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.clark.wa.gov>**

RECOMMENDATION

Based upon the proposed plan (identified as Exhibit 14), and the findings and conclusions stated above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A Final Construction Plan Review for Land Division Review & Approval Authority: Development Engineering

Prior to construction, a Final Construction shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

A-1 Final Construction Plan

The applicant shall submit and obtain County approval of a final construction plan in conformance to CCC 40.350 and the following conditions of approval:

- a. Archaeology - A note shall be placed on the face of the final site plan and construction plans as follows:
"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

A-2 Final Transportation Plan/On-Site

The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The applicant shall pave back all driveways from the edge of pavement to the property line or for 20 feet, whichever is greater. (See Transportation Finding #3)
- b. The applicant shall provide turnarounds and turnouts as required by Clark County Code. Turnarounds located on individual lots may be deferred to prior home Certificate of Occupancy. (See Transportation Finding #3)
- c. The applicant shall field verify a minimum 500 feet sight distance is obtained with driver's eye location 12 feet from travel lane at shared driveway for lots 3 and 4. Applicant shall trim all sight obscuring brush within the sight distance triangles of all other driveways. (See Transportation Finding #7)

A-3 Final Stormwater Plan:

The applicant shall submit and obtain County approval of a final stormwater plan for on and off-site facilities (as applicable), designed in conformance to CCC 40.380 and the following conditions of approval:

- a. This applicant shall be required to perform an offsite analysis extending a minimum of one-fourth of a mile downstream from the development and provide mitigation from stormwater runoff. (See Stormwater Finding 3)

A-4 Erosion Control Plan:

The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

A-5 Health Department Review:

- a. The applicant will need to implement the necessary improvements to connect each lot to public water provided by CPU. Each lot will have its own on-site septic systems. (See Water Sewer Finding 1)
- b. Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department. (See Water Sewer Finding 2)

A-6 Fire Marshal Requirements:

(See Conditions under Sections B)

A-7 Excavation and Grading:

Excavation / grading shall be performed in compliance with CCC Chapter 14.07.

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

B-1 Pre-Construction Conference - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County; and,

a. Building Construction:

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Fire Protection Finding 2)

b. Fire Flow:

Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Information from the water purveyor indicates that the fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (See Fire Protection Finding 3)

c. Fire Hydrants:

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local fire district chief approves the exact locations of fire hydrants. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District 3 at 360-892-2331 to arrange for location approval. (See Fire Protection Finding 4)

d. Fire Apparatus Access

The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (See Fire Protection Finding 5)

e. Fire Apparatus Turnarounds

All other new private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus. Turnouts shall be provide at intervals five hundred (500) feet or less, such that no portion of the driveway is in excess of three hundred (300) feet from an approved turnaround or turnout. (See Fire Protection Finding 6)

B-2 Erosion Control:

Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration

systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

B-3 Erosion Control:

Erosion control facilities shall not be removed without County approval.

C Provisional Acceptance of Development

Review & Approval Authority: Development Inspection

Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/land division plan and the following conditions of approval:

C-1 None

D Final Plat Review & Recording

Review & Approval Authority: Development Engineering

Prior to final plat approval and recording, the following conditions shall be met:

D-1 Land Use:

a. Prior to final plat recording, each lot shall comply with the lot requirements in Table 40.210.020-2 (Lot Requirements) as follows:

- i. The minimum lot area is 5 acres; or, property that can legally be described as one one hundred and twenty-eight (1/128) of a section; and,
- ii. The minimum lot width shall be 140 feet; except when the Clark County Fire code requires a greater lot width. The table does not include a minimum lot depth standard (or requirement).

a. Prior to final plat recording, each lot shall comply with the lot requirements in Table 40.210.020-3 (Setbacks, Lot Coverage and Building Height) as follows:

- | | |
|--|--------------------------|
| 1. Minimum front yard setback | 50 feet |
| 2. Minimum side yard setback | 25 feet |
| 3. Minimum interior side yard setback (street) | 20, 50 feet ⁴ |
| 4. Rear yard setback | 20, 50 feet ⁵ |
| 5. Setback between buildings | 8 feet |
| 6. Lot coverage | N/A |
| 7. Maximum building height | 35 feet ⁶ |

⁴ The minimum side setback on each side of the residential dwelling and incidental buildings shall be 20 feet and 50 feet for accessory buildings used for agricultural purposes. Side setbacks for abutting properties zoned for natural resource or surface mining uses shall be a minimum of 50 feet.

⁵ The minimum rear yard setback shall be 50 feet when abutting property zoned for natural resources or surface mining uses.

⁶ This standard applies to residential buildings only.

D-2 Habitat:

The applicant shall identify clearly the building envelopes and habitat areas on the face of the final plat. Any revision to the proposed building envelopes shall require additional review.

D-3 Health Department Signature Requirement:

The Health Department is required to sign the final plat, because the use of septic systems is proposed.

D-4 On-Site Sewage System Requirements:

For on-site sewage system, the following requirements shall be completed:

- a. Each on-site sewage system shall be on the same lot it serves;
- b. Test hole locations corresponding to the designated treatment sites shall be surveyed and indicated on the final plat map;
- c. No public or private easements or rights-of-way shall be extended through the approved, reserve or existing on-site sewage system sites;
- d. Provisions shall be made to prevent flow or accumulation of surface water over the area where an on-site sewage system is located;
- e. A copy of the County approved final drainage plan shall be submitted for review; and,
- f. All proposed lots shall have a current approved septic system site evaluation or septic system permit. Should either be allowed to expire, subsequent approval of an on-site sewage treatment system cannot be assured and, therefore, the Health Department will not sign the final plat.

D-5 Developer Covenant:

A "Developer Covenant to Clark County" shall be submitted for recording to include the following:⁷

- a. Critical Aquifer Recharge Areas: "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
- b. Erosion Control - "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

⁷ See CCC 40.540.070 (B) (7) (i) (Final Plat) and CCC 40.610.040 (Imposition of Impact Fees) for details.

- c. Land Near Agricultural, Forest or Mineral Resources: Land owners and residents are hereby notified that this plat is located within 500 feet of lands zoned agriculture-wildlife (AG-WL), agriculture (AG-20), forest (FR-40, FR-80), or surface mining (S), or in current use under Revised Code of Washington (RCW) Chapter 84.34. Therefore, the subject property is within or near designated agricultural land, forest land or mineral resource land (as applicable) on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.
- d. Impact Fees: "In accordance with CCC 40.610, the School, and Traffic Impact Fees for each of the 7 dwellings in this subdivision are: \$7,090.02 (Hockinson School District), and \$2,749.47 (Rural 1 TIF district made up of \$1,403.23 local fees and \$1,347.24 regional fees), respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-6 Addressing:

At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

D-7 Plat Notes:

The following notes shall be placed on the final plat:

- a. Land Use and Zoning: "Lot 4 is proposed as a 9.55 acre parcel; and, shall not be further divided (or platted) utilizing the 10 percent minimum lot area variance authorized in CCC 40.200.040 (C) (2) (Lot Area Calculations)." (See Land Use Finding 3)
- b. Archaeological: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- c. Building Envelope Note: "If any development activity or ground disturbance occurs outside of the building envelopes represented on the final plat, an additional archaeological predetermination survey will be required for the area impacted."
- d. Septic Systems: "The approved, initial, reserve, and/or existing sewage system sites shall be protected from damage due to development. All sites

shall be maintained so they are free from encroachment by buildings and not be subject to vehicular traffic or other activity which would adversely affect the site or system function."

- e. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- f. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."
- g. Geologic Hazard: "A Geo-hazard permit will be required for the proposed Lot 4 if any grading or placement of structures is proposed within the geo-hazard area or the geo-hazard setback." (See Geologic Hazard Areas Finding 1)

E	Building Permits Review & Approval Authority: Customer Service
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Prior to issuance of a building permit, the following conditions shall be met:

E-1 Impact Fees:

The applicant shall pay traffic and school impact fees for each of the 7 lots as follows:

- a. \$7,090.02 per dwelling for School Impact Fees (Hockinson School District); and,
- b. \$2,749.47 per dwelling for Traffic Impact Fees (Rural 1 TIF District)

If the building permit application is made more than three years following the date of preliminary land division plan approval, the impact fees shall be recalculated according to the then-current rate.

E-2 Stormwater:

At the time of building permit application, the home owners must submit a plan for drainage project review and obtain approval for the onsite stormwater control system, unless the stormwater control system for the lot is pre-designed and approved with the final stormwater plan.

F	Occupancy Permits Review & Approval Authority: Building
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Prior to issuance of an occupancy permit, the following conditions shall be met:

F-1 None

G	Development Review Timelines & Advisory Information Review & Approval Authority: None - Advisory to Applicant
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G-1 Land Division:

Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

G-2 Department of Ecology Permit for Construction Stormwater:

A permit from the Department of Ecology (DOE) is required If:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**,
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

G-3 Building and Fire Safety:

Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

H	Post Development Requirements Review & Approval Authority: As specified below
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H-1 None

Note

Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a "hearing extension" or "open record" and shall pay the associated fee.

**HEARING EXAMINER DECISION
AND APPEAL PROCESS**

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee of **\$716**.

The fee shall be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

The Board of Commissioners shall hear appeals of decisions based upon the written record before the examiners, the examiner's decision, and any written comments received in the office of the Board within the following submittal deadlines measured from the date of the filing of the appeal:

- Fourteen (14) calendar days for the appellant's initial comments;
- Twenty-eight (28) calendar days for all responding comments; and,
- Thirty-five (35) calendar days for appellant reply comments, which are limited to the issues raised in the respondent's comments.

Written comments shall be limited to arguments asserting error in or support of the examiner decision based upon the evidence presented to the examiner.

Unless otherwise determined by the Board for a specific appeal, the Board shall consider appeals once a month, on a reoccurring day of each month. The day of the

month on which appeals are considered shall be consistent from month to month as determined by Board.

The Board may either decide the appeal at the designated meeting or continue the matter to a limited hearing for receipt of oral argument. If continued, the Board of Commissioners shall designate the parties or their representatives to present argument, and permissible length thereof, in a manner calculated to afford a fair hearing of the issues specified by the Board of Commissioners. At the conclusion of its public meeting or limited hearing for receipt of oral legal argument, the Board of Commissioners may affirm, reverse, modify or remand an appealed decision.

Attachments:

- Map of property owners receiving notice
- Copy of Proposed Preliminary Plan
- Buffer Averaging Plan, if applicable
- Exhibit List

Ninety percent (90%) of the fee will be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Community Development Department
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>

Final Decision Attachment

For Employee Use Only - This is not part of the decision, but rather an attachment for processing purposes only.

Final Plans Required with Construction Plans	YES	NO
Final Landscape Plan:	X	
-On-site landscape plan		X
-Right-of-way landscape plan*	X	
Final Wetland Plan	X	
Final Habitat Plan		X

*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

Note: If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.

Building Setbacks Established at Preliminary Plan Review

Project Name: VARNEY SUBDIVISION

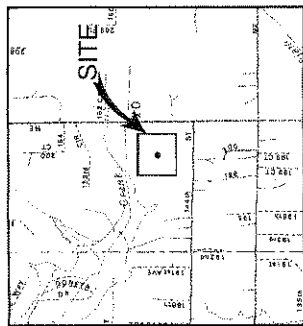
Case Number: PLD2009-00030

The following minimum building setback requirements are based upon the zoning in place at the time, or setbacks as otherwise approved through preliminary plan review of the above listed project.

Setback Requirements by Lot (See Tables 40.210.020-2 and -3 for details)

Lot Number(s)	Front Setback	Garage Setback	Rear Setback	Side Setback	Street-side Setback
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Located in SW 1/4 of Section 20, T3N, R3E, W.M.
Clark County, Washington



VICINITY MAP

PROJECT NOTES:

Applying & Owner:
Schlichting, LLC
14803 NE 202nd Avenue
Brush Prairie, WA 98606
Ph: (360) 255-3000
e-mail: tas51@prodaction.com

Project Contact:
PLUS Engineering
Travis Johnson
10114 Franklin Street, Atman Suite
Vancouver, V1A 9B5S2
Ph: (360) 944-5519
Fax: (360) 944-5538
E-mail: travis@plusengineering.com

This parcel is identified as tax lot 271, serial number 2205186-002.

4. of Structures:
 Front = 57
 Side = 27
 Street Side = 29
 Side (Agriculture use structures) = 57
 Rear = 20
 Rear (Agriculture use structures) = 57

(SSE Area - 19.4) acres (171,177 sq ft)
 Total Number of Lots = 7
 Minimum Lot Size = 4.50 acres (198,025 sq ft)
 Maximum Lot Size = 9.53 acres (415,085 sq ft)
 Average Lot Size = 5.67 acres (243,018 sq ft)
 Property Decided to Neighbors = 0.36 acres (15,326 sq ft)

No eight-of-a-kind will be dedicated to Clark County with this development.

NE 202nd Avenue will provide access to the 14th

Individual driveway connections to lots 1 & 2, NE 144th Street will provide access to lots 5-7 utilizing an existing gravel drive. The proposed shared driveway will be extended 8 feet to lot 5 for access.

Public Water Purveyor & Clark Public Utilities

Public Server: Developer = N/A

There are no existing structures.

developed.

There are no transient stops within the grammar model.

Contour data shown on the existing conditions plan are from the GIS Department of Cass County.

		P
		V
		Z
		S
B 70689 JN 2003	Riding Distance Entered	TOT
A JAN 15, 2003	Subsequent Price Review	JUN

Varney Subdivision

Varney Sub

Scale 1" = 80'

8/26/09



HEARING EXAMINER EXHIBITS

Project Name: **VARNEY SUBDIVISION**

Case Number: **PLD2009-00030; SEP2009-00054**

Hearing Date: **October 8, 2009**

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
1		CC Development Services	Aerial Map
2		CC Development Services	Vicinity Map
3		CC Development Services	Zoning Map
4		CC Development Services	Comprehensive Plan Map
5	6/16/09	Applicant: Schlichting, LIC	Full Size Plans
6	6/16/09	Applicant: Schlichting, LIC	Application Binder: Cover Sheet & Table of Contents, Application Forms, Pre-App Report, GIS Packet, Narrative, Legal Lot Determination, Approved Preliminary Plats, Preliminary Boundary Survey, Soil Rpt, Preliminary Stormwater Rpt, Project Engineer Statement, Traffic Profile/Site Distance Certification, SEPA Checklist, Arch Pre-Determination, Sewer Utility Review, Water Utility Review, Health Dept Review, Critical Areas Report
7	7/7/09	CC Development Services	Development Review Fully Complete Determination
8	7/7/09	CC Development Services	REVISED Development Review Fully Complete Determination – Revised Hearing
9	7/31/09	CC Development Services	Notice of Type III Review/Optional SEPA and Public Hearing
10	7/31/09	CC Development Services	Affidavit of Mailing Public Notice
11	8/6/09	CC Development Services	REVISED Notice of Type III Review/Optional SEPA and Public Hearing
12	8/6/09	CC Development Services	Affidavit of Mailing Public Notice
13	8/26/09	Applicant – PLS Engineering	Geo-technical report
14	8/26/09	Applicant – PLS Engineering	Revised Plat from the applicant

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
15	8/25/09	CC Development Services	30-day early issues e-mail to applicant
16	9/10/09	Applicant – PLS Engineering	Road modification request
17	8/5/09	Southwest Clean Air Agency	Agency Comments
18	8/12/09	Haly Lewis	Public Comments
19	9/14/09	CC Public Works - Doug Boheman, P.E.	Road Modification – Staff Report
20	9/3/09	Applicant – PLS Engineering	Affidavit of Posting Land Use Sign
21	9/10/09	CC Development Services	Legal Notice to Paper – Publication Date 9/23/09
22	9/23/09	CC Development Services	Affidavit of Posting Public Notice
23	9/23/09	CC Development Services	Type III Development & Environmental Review, Staff Report & Recommendation written by Michael Uduk

Copies of these exhibits can be viewed at:

Department of Community Development / Planning Division
1300 Franklin Street
Vancouver, WA 98666-9810